

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

MICHAEL ADKINS, et al.,)
)
Plaintiffs,)
)
v.)
)
THOMAS JAMES VILSACK, SECRETARY,)
The United States Department of Agriculture,)
et al.,)
)
Defendants.) Civil Action No. 1:15-CV-169-C

ORDER

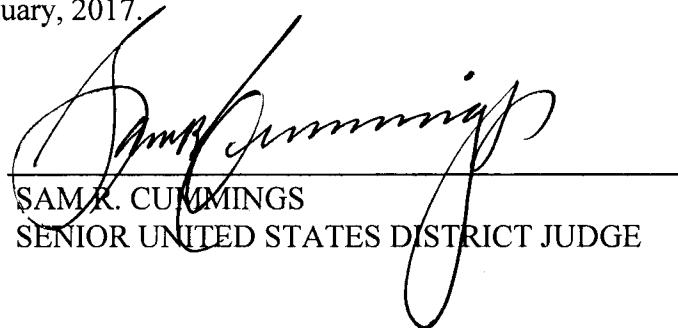
In the Findings, Conclusions and Recommendation filed October 6, 2016, the Magistrate Judge recommends that the Court REVERSE the decision to delay implementation of the APH Yield Exclusion for the 2015 crop year for winter wheat and that the matter be REMANDED for further proceedings consistent with the recommendation. Defendants filed their Objections on October 20, 2016, and Plaintiffs filed their Response to Defendants' Objections on November 3, 2016. The Court fully considered both the Objections and the Response thereto.

After reviewing the thorough and well-reasoned Report and Recommendation for plain error, the Court finds that the Recommendations of the Magistrate Judge are correct and adopts the findings and conclusions contained therein as the findings and conclusions of the Court.¹

¹As found by the Magistrate in the Report and Recommendation, "the unamended § 1508(g)(4)(A) already contained a provision that would make paragraph (4) entirely applicable to the 2015 crop year[, and] [n]o further Congressional direction was necessary to effect an intent that paragraph (4)(C) be implemented for that crop year." Further, "[i]n light of the February 2014 enactment date of the Farm Bill and resulting amendments and the already existing applicability provision of § 1508(g), Congress had ample reason to intentionally omit any

Accordingly, the Court finds that the final decision of the National Appeals Division was arbitrary, capricious, or otherwise not in accordance with law and the decision should be set aside. The matter is REMANDED for further proceedings consistent with the Report and Recommendation as adopted by this Order.

SO ORDERED this 6th day of January, 2017.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE

implementation language from section 11009 that it included in the other provision of the Farm Bill.” (Report and Recommendation at 15-15.)